

## REMARKS

In the current Office Action, the Examiner first objects to the amended abstract because the phrase "one aspect of the invention" is repetitive. In the foregoing amendment, the abstract has been further amended to remove this phrase.

On pages 4 to 8 of the Office Action, various claims are rejected on obviousness-type double patenting grounds based on U.S. Patent No. 6,486,768, also assigned to Cartronics, when combined with various secondary references. Accompanying this response is a terminal disclaimer in compliance with 37 CFR 1.321(c), along with the terminal disclaimer fee. It is submitted that this deals with all of the claim rejections raised on double patenting grounds, and reversal of these rejections is respectfully requested.

On page 8, the Examiner rejects claim 1 as anticipated by U.S. Patent No. 5,708,782 of Larsen. It is submitted that amended claim 1 is not anticipated by this reference. The Examiner contends that Larson discloses a plurality of customer identification signals which are entered at the cart corral, and data processing to associate the returned cart with a customer identification. However, the Larson system does not involve customer identification signals which are unique to a specific customer. Instead, in Larson's system, the customer receives an activated key at the check out stand, which is not indicative of the actual identification of that specific customer. Return of the cart to the corral is detected, and the customer is then given an opportunity to enter the key at the kiosk in order to obtain a coupon or a cash reward. The specific customer who enters the key is not identified in Larson's system since there is nothing on the key to identify that specific customer. Larson therefore does not anticipate claim 1 since there are no customer identification signals unique to a specific customer, and the system does not involve associating returned carts with a specific customer for a customer reward program. Instead, Larson's system simply detects return of a cart combined with subsequent customer entry of a non-customer specific key within a certain time period, and immediately issues either cash or a coupon which is also not customer specific. It is therefore submitted that amended claim 1 is not anticipated by Larson, and reconsideration and reversal of the rejection of this claim is respectfully

requested.

The Examiner rejects claims 2 to 4 as obvious in view of Larson when combined with U.S. Patent No. 6,154,879 of Pare on pages 9 to 10 of the Office Action. In rejecting claim 2, the Examiner states that "Larson is silent on a second interface which receives a second set of customer identification signals from the customer." He goes on to argue that Pare discloses a system with a second set of customer identification signals received by a biometric input 13, and that it would be obvious to provide such an arrangement in Larson.

This rejection is hereby traversed. Pare is concerned with an ATM access system where individuals gain access to financial accounts, and identification of the user is therefore extremely critical. Pare does not use two interfaces for receiving different sets of customer identification signals. Instead, Pare replaces the conventional card and PIN number access to financial accounts with a biometric unit for identifying the user, in order to reduce fraudulent access. Pare states, in column 4, lines 62 to 65, "It is the essence of this invention that consumers conduct these transactions without the use of a personal identification number (PIN) or any tokens, such as debit cards."

Precise customer identification is not a requirement in Larson's system, so one seeking to improve on this invention would not look to Pare for ideas. In Larson, the requirement is that the customer (whoever they are) who borrows a cart correctly returns it to the cart corral after use. Larson does not need to personally identify the customer returning the cart, only that they have a key issued at checkout so that they can be issued a generic coupon or a cash refund. There is absolutely no motivation for one skilled in the field to provide an expensive and complex biometric identification system at Larson's cart corrals. Identification of the specific customer is not an issue for Larson. The only issues in Larson are detection of a returned cart and entry of a valid key. It is therefore submitted that claim 2 is not obvious in view of Larson and Pare, and reconsideration and reversal of the rejection of this claim is respectfully requested.

Claims 3 and 4 depend from claim 2 and are distinguished from Larson and Pare for the same reasons as claim 2 and also since these claims define other features not

present in the references. Referring to claim 3, the Examiner contends that the Larson system has a data processing section receiving both the first and second sets of signals from the customer, with one of the sets of signals being the cart return signal. This is not a customer identification signal as defined in claim 2, as the Examiner has agreed in stating that Larson does not have a second interface which receives a second set of customer identification signals. If Larson does not have first and second interfaces for receiving customer identification signals, as defined in claim 2, Larson also cannot receive two such sets of signals.

Referring to claim 4, the Examiner contends that Pare has a system in which the second set of customer identification signals are received by a data processing system in the event of failure of the first interface. This is not correct. Pare states, in column 5, lines 19 to 22, that the system has a biometric scanner 13 and data entry means such as a keypad 14. However, the key pad is not used as an alternative interface for customer identification. Customer identification in Pare is done only by the biometric scanner, so as to reduce the risk of fraud (see column 4, lines 60 to 65). Once the customer has been correctly identified, they can use the key pad in order to perform financial transactions. There is absolutely no suggestion of using this key pad as an alternative for customer identification should the biometric scanner fail.

It is therefore submitted that claims 2 to 4 are not obvious in view of Larson and Pare, and reconsideration and reversal of the rejection of these claims is respectfully requested.

On pages 10 to 11 of the Office Action, the Examiner has rejected claims 5 to 11, 13-14 and 16 as obvious in view of Larson combined with U.S. Patent No. 4,623,877 of Buckens. This rejection is hereby traversed.

In the foregoing amendment, dependent claim 16 has been canceled and the subject matter of this claim is now incorporated in amended claim 5. It is submitted that amended claim 5 is fully distinguished from Larson and Buckens, along with claims 6 to 11, 13, and 14 which depend from claim 5.

In rejecting claim 5, the Examiner states that the only difference between Larson and the claimed invention is the use of detection loop at the entrance to a cart return location, and that it would be obvious to use such a detection loop in Larson based on the teachings of Buckens. It is submitted that such a modification of Larson is not obvious based on the teachings of Buckens, and furthermore would not result in the invention as claimed in amended claim 5.

Buckens discloses a theft detection system for protecting against theft of merchandise from a supermarket. It does not detect shopping carts, but items 14 to be purchased. There would therefore be no reason for one skilled in the field to combine the teachings of this reference with Larson. Even if such a modification were made, the resultant system would still be different from the system as claimed in claim 5, since there would be no means for associating a returned cart with a specific customer. As discussed above in connection with claim 1, Larson does not receive a customer identification which is unique to a specific customer, but simply receives a key which is not customer specific and contains no customer specific information.

It is therefore submitted that amended claim 5 is not obvious in view of Larson and Buckens, and reconsideration and reversal of the rejection of this claim is respectfully requested.

Claims 6 to 11, 13 and 14 depend from amended claim 5 and are distinguished from Larson and Buckens for the same reasons as claim 5, and additionally since these claims define other features which are not shown or suggested by the references. Referring to claims 6 and 7, Buckens does not have a cart detection circuit, but simply detects items 14 of merchandise which are not placed by a customer on the conveyor at the check out stand. There is therefore no cart detected condition in Buckens. Referring to claim 9, Larson has no output signal indicative of a reward for a specific customer associated with the customer identification. Instead, Larson simply provides an output in the form of either a coupon which is not specific to a particular customer, but which could be used by anyone, or in the form of cash. Similar arguments apply to claim 10. Referring to claim 11, there is no customer identification interface in Larson since there

is no need to identify the specific customer, but only the return of the non-specific key.

It is submitted that claims 5 to 11, 13 and 14 are all fully distinguished from Larson and Buckens, and reconsideration and reversal of the rejection of these claims is respectfully requested.

On page 13, claims 12 and 15 are rejected as obvious in view of Larson, Buckens and Pare. This rejection is also hereby traversed, and it is submitted that this combination of references is not obvious and would not result in the invention as claimed in these claims.

In rejecting claims 12 and 15, the Examiner combines a primary reference with two secondary references with completely different objectives. Larsen is concerned only with a cart return system to motivate customers to return carts to a cart corral. In contrast, Buckens is not concerned with cart return at all, but with a theft detection system for detecting attempted theft of merchandise items from stores. Finally, Pare is in a completely different field of art, that of secure ATM access. It is extremely unlikely that one seeking to improve a cart return system would look to theft detection systems or ATM access systems for ideas. There is absolutely nothing in the teachings of these references which would motivate one skilled in the field to combine them as the Examiner has proposed, and it is submitted that the combination is clearly not obvious. As has been noted above in connection with the rejection of claim 2 based on Larson and Pare, since Larson's system does not require identification of a specific customer, there would be no reason to replace the simple key reader of Larson with a complex and more expensive biometric scanner. Larson does not need to identify the customer, but only needs to identify return of cart and entry of a valid, non-customer specific key. There is therefore no reason to incorporate a biometric scanner in Larson. This argument applies equally to the rejection of claims 12 and 15 which depend from amended claim 5.

Both claims 12 and 15 depend from claim 11. The features claimed in claim 11 are lacking from all three references cited by the Examiner. There is no customer identification interface in either Larson or Buckens, and Pare does not have any

interface that provides a customer identification in response to a card return condition (or in response to return of anything). Customer identification in Pare is initiated simply by a customer submitting a biometric sample. Referring to claim 12, none of the references have any customer identification interface comprising a key pad. The key pad in Pare is not used to identify customers, as has been noted above in connection with the rejection of claims 2 and 3. In Pare, the biometric system alone is used for customer identification, with the key pad simply being used for a customer who has been identified to enter commands for the ATM.

It is therefore submitted that claims 12 and 15 are not obvious in view of the three references applied by the Examiner, both since the proposed combination is not obvious, and also because it would not result in the invention as claimed in these claims.

It is submitted that the accompanying terminal disclaimer and the foregoing amendment and argument deal with all outstanding grounds of objection and rejection, and that all of the claims now remaining in this application, specifically claims 1 to 15, should now be in order for allowance. Early notice to this effect is earnestly solicited. If there are any outstanding objections which could be dealt with by means of a telephone interview, the Examiner is encouraged to contact the undersigned representative.

Respectfully submitted,

Dated: April 22, 2005

By: Katherine Proctor  
Katherine Proctor  
Agent for Applicant  
Registration No. 31,468

GORDON & REES LLP  
101 West Broadway, Suite 1600  
San Diego, CA 92101  
Telephone: (619) 696-6700  
Facsimile: (619) 696-7124

Docket No. CRTT 1030981